

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2211

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-1851, Arizona Revised Statutes, is amended to
3 read:

4 15-1851. Commission for postsecondary education; purpose;
5 report; members; terms; powers and duties;
6 compensation; quorum; personal liability;
7 definition

8 A. The commission for postsecondary education is established as the
9 postsecondary review entity for this state for the conduct, supervision and
10 coordination of the review of postsecondary education institutions in order
11 to determine the eligibility of those institutions for student financial aid
12 monies pursuant to the provisions of part H, subpart one of the higher
13 education amendments of 1992 (P.L. 102-325; 106 Stat. 638; 20 United States
14 Code section 1099a). The commission shall accomplish the purpose of this
15 subsection through the accumulation of information, the performance of
16 studies and the determination of compliance by the postsecondary education
17 institutions with the provisions of part H, subpart one of the higher
18 education amendments of 1992. The review authority of the commission shall
19 be limited to circumstances where the United States department of education
20 has referred an institution to the commission for review or where the United
21 States department of education has approved the review of an institution in
22 accordance with criteria established by the United States department of
23 education. The commission shall keep records of its activities, and the
24 commission shall provide information when requested to the United States
25 secretary of education for financial and compliance audits and for
26 institution evaluation. The scope of authority of the commission acting as a
27 postsecondary review entity to review any educational institution is limited
28 specifically to compliance by the institution with title IV, part H, subpart

1 one of the higher education amendments of 1992. Any review of any
2 institution conducted by the commission shall be performed in the context of
3 the institution's individual mission and purposes. The commission shall not
4 exercise planning, policy, coordinating, supervisory, budgeting or
5 administrative powers over any postsecondary institution in this state.

6 B. The commission shall also administer the applicable programs
7 identified under section 1203 of the higher education act amendments of 1998
8 (P.L. 105-244), including the leveraging educational assistance partnership
9 program, the federal family education loan program and the Paul Douglas
10 teacher scholarships program, and shall supervise the state guarantee agency
11 under the higher education act amendments of 1998.

12 C. In addition to the responsibilities prescribed in subsections A and
13 B of this section, the commission shall:

14 1. Provide a forum to public and private postsecondary education
15 institutions for discussion of issues of mutual interest, including the
16 following:

17 (a) The postsecondary needs of unserved and underserved individuals in
18 this state.

19 (b) The resources of public and private institutions, organizations
20 and agencies that are located in this state and that are capable of providing
21 postsecondary education opportunities.

22 (c) Enrollment demand and public policy options to meet statewide
23 needs for postsecondary education services.

24 (d) Cooperative comprehensive instructional and capital planning.

25 2. Provide reports pursuant to this subsection on discussions of
26 issues of mutual interest.

27 3. Coordinate and promote collaborative studies on issues of mutual
28 interest to public and private postsecondary education institutions.

29 4. Compile and disseminate information to the public regarding
30 postsecondary education opportunities in this state.

31 5. Prepare an annual report that summarizes the results of the
32 commission's activities prescribed in this section and section 15-1852. The

1 annual report shall be submitted to the speaker of the house of
2 representatives, the president of the senate, the governor and the Arizona
3 state library, archives and public records by December 28.

4 D. The commission consists of the executive director of the Arizona
5 board of regents, the executive director of the state board for private
6 postsecondary education and the following additional members who shall be
7 appointed by the governor pursuant to section 38-211:

8 1. Two members who hold senior executive or managerial positions in a
9 university under the jurisdiction of the Arizona board of regents.

10 2. Two members who hold senior executive or managerial positions in a
11 community college district, one representing a community college district in
12 a county with a population of five hundred thousand persons or more and one
13 representing a community college district in a county with a population of
14 less than five hundred thousand persons.

15 3. Two members who hold senior executive or managerial positions in
16 private postsecondary institutions of higher education that are licensed
17 under title 32, chapter 30, that are located in this state, that offer
18 bachelor or higher degrees and that are accredited by a regional
19 accreditation agency approved by the United States department of education.

20 4. Two members who hold senior executive or managerial positions in
21 private postsecondary institutions of higher education that are licensed
22 under title 32, chapter 30, that are located in this state, that offer
23 vocational education programs and that are accredited by a national
24 accreditation agency approved by the United States department of education.

25 5. One member who holds a senior executive or managerial position in a
26 private cosmetology school that is licensed under title 32, chapter 5, that
27 is located in this state, that offers cosmetology programs approved by the
28 board of cosmetology and that is accredited by a national accreditation
29 agency approved by the United States department of education.

30 6. One member who holds a senior executive or managerial position in
31 an institution that is licensed under title 32, chapter 23 or under the
32 provisions of 14 Code of Federal Regulations part 147, that offers vocational

1 education programs at the postsecondary level, that is located in this state
2 and that is not an institution that is qualified under any other category.

3 7. One member who has held a senior executive or managerial level
4 position in commerce or industry in this state for at least three years
5 before the member's appointment and who is not qualified to serve under any
6 other category.

7 8. Two members who hold senior executive or managerial positions in
8 the high school education system in this state.

9 9. One member who is an owner, operator or administrator of a charter
10 school in this state.

11 E. Members of the commission appointed pursuant to subsection D,
12 paragraphs 1 through 9 of this section shall serve four year
13 terms. Appointed members of the commission shall be residents of this state.
14 Appointed members of the commission at all times during their terms shall
15 continue to be eligible for appointment under the category that they were
16 appointed to represent. Terms of appointed members of the commission begin
17 on the third Monday in January. No appointed member of the commission may
18 serve more than two consecutive terms.

19 F. The executive director of the Arizona board of regents and the
20 executive director of the state board for private postsecondary education
21 serve as members of the commission during their respective terms of office
22 and are not eligible to vote with respect to the commission's review of any
23 postsecondary institution.

24 G. Members appointed pursuant to subsection D, paragraphs 1 through 9
25 of this section are eligible to receive compensation pursuant to section
26 38-611 for each day spent in the performance of commission duties and may be
27 reimbursed for expenses properly incurred in connection with the attendance
28 at meetings or hearings of the commission.

29 H. The governor shall appoint a chairman from among the members of the
30 commission who shall serve a one year term that begins on the third Monday in
31 January.

1 I. Except as provided in subsection J of this section, a majority of
2 the members of the commission constitutes a quorum for the transaction of
3 commission business. The vote of a majority of the quorum constitutes
4 authority for the commission to act.

5 J. For all purposes relating to title IV, part H, subpart one of the
6 higher education amendments of 1992 the commission membership shall consist
7 only of the members appointed pursuant to subsection D, paragraphs 1 through
8 7 of this section, and all commission actions taken pursuant to title IV,
9 part H, subpart one of the higher education act of 1992 require the
10 affirmative vote of at least six members.

11 K. J. Members of the commission are immune from personal liability
12 with respect to all actions that are taken in good faith and within the scope
13 of the commission's authority.

14 L. K. For the purposes of this section, "community college district"
15 means a community college district that is established pursuant to sections
16 15-1402 and 15-1403 and that is a political subdivision of this state.

17 Sec. 2. Section 15-1854, Arizona Revised Statutes, is amended to read:

18 15-1854. Private postsecondary education student financial
19 assistance program; private postsecondary education
20 student financial assistance fund; definition

21 A. A private postsecondary education student financial assistance
22 program is established. The commission shall develop, implement and
23 administer the program. A student who obtains an associate degree from a
24 community college district or from a community college under the jurisdiction
25 of an Indian tribe in this state that meets the same accreditation standards
26 as a community college district and who registers for enrollment as a
27 full-time student in a baccalaureate program at a private, nationally or
28 regionally accredited four year degree granting college or university
29 chartered in this state is eligible to submit an application to the
30 commission for participation in the program. The commission shall establish
31 eligibility criteria for the program including financial need and academic
32 merit, shall develop application forms, procedures and deadlines and shall

1 select qualifying students each year for participation in the program.
2 Participating students shall receive an award in an amount of up to two
3 thousand dollars annually ~~for~~ not to exceed two years ~~and~~ OR four thousand
4 dollars to be used to pay all or a portion of the tuition and fees charged at
5 the private, accredited four year college or university.

6 B. A private postsecondary education student financial assistance fund
7 is established consisting of legislative appropriations. The commission
8 shall administer the fund. Monies in the fund are exempt from the provisions
9 of section 35-190 relating to lapsing of appropriations. The commission
10 shall make awards for payment of tuition at eligible colleges or universities
11 to students who are selected to participate in the private postsecondary
12 education student financial assistance program pursuant to subsection A of
13 this section.

14 C. The commission shall develop a program evaluation procedure in
15 order to determine the effectiveness of the private postsecondary education
16 student financial assistance program in shifting students who would have
17 otherwise attended a public four year college or university to private four
18 year degree granting colleges or universities.

19 D. A student who fails to receive a baccalaureate degree within a
20 three year period of receipt of the program award shall reimburse the private
21 postsecondary education student financial assistance fund for all awards
22 received pursuant to subsection A of this section.

23 E. For the purposes of this section, "community college district"
24 means a community college district that is established pursuant to sections
25 15-1402 and 15-1403 and that is a political subdivision of this state."

26 Amend title to conform

JENNIFER J. BURNS

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